

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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EX-1
DATE FILED: APR 16 2019

ESTER LELCHOOK, et al.,

Plaintiffs,

- v -  
LEBANESE CANADIAN BANK, SAL;  
MOHAMED HAMDOUN; AHMAD SAFA; AND  
JOHN DOES 1-5,

Defendants.

No. 1:18-cv-12806-BB  
RE:

*George B. Daniels*  
George B. Daniels, U.S. Atty.  
APR 16 2019

Dated:

~~STIPULATION AND PROPOSED ORDER~~  
ACCEPTING SERVICE AND STAYING PROCEEDINGS

WHEREAS, Plaintiffs filed their Complaint in the above-captioned action on December 31, 2018, asserting claims pursuant to the Anti-Terrorism Act (18 U.S.C. §§ 2333(a), 2333(d));

WHEREAS, Defendant Lebanese Canadian Bank ("LCB") is a banking corporation under liquidation in Lebanon, and Mohamad (sued as "Mohamed") Hamdoun ("Mr. Hamdoun") is a former manager of LCB and currently one of LCB's liquidators;

WHEREAS, on March 25, 2019, the Clerk of the Court filed certificates indicating that efforts had been initiated to effect service of process in this action via Federal Express at specified addresses in Lebanon (ECF Nos. 23-25);

WHEREAS, LCB and Mr. Hamdoun have agreed to waive service of process (rather than contest it) in exchange for Plaintiffs' agreement to this stipulation to stay proceedings, and to adjourn their time to respond to the Complaint, and in accordance with the terms set forth herein;

WHEREAS, this is the first adjournment of time to respond to the Complaint in this matter;

and

WHEREAS, nothing in this Stipulation and ~~[Proposed]~~ Order shall be construed as a waiver of any other defense available to LCB and Mr. Hamdoun in responding to the Complaint, including those defenses set forth in Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, except that LCB and Mr. Hamdoun waive the defenses of insufficient process and insufficient service of process under Rules 12(b)(4)-(5);

NOW THEREFORE, it is stipulated and agreed by and between Plaintiffs and Defendants LCB and Mr. Hamdoun, through their undersigned counsel, as follows:

1. LCB and Mr. Hamdoun hereby waive service of a summons and the Complaint in this action. Proof of service is not required, and a summons and the Complaint shall be deemed to have been served on LCB and Mr. Hamdoun as of the date this Stipulation and ~~[Proposed]~~ Order is filed with the Court.

2. All further proceedings in this action are stayed, including but not limited to the time of LCB and Mr. Hamdoun to answer, move to dismiss, or otherwise respond to the Complaint in this action, until sixty (60) days after entry of an order of this Court granting or denying the Bank's motion to dismiss filed in *Licci (Kaplan), et al. v. Lebanese Canadian Bank, SAL*, 08-cv-7253 (GBD) ("*Kaplan*"), in the interests of judicial efficiency given the overlapping nature of the allegations against LCB and Mr. Hamdoun in *Kaplan* and in this action.

3. In filing this Stipulation and ~~[Proposed]~~ Order, LCB and Mr. Hamdoun do not waive, and instead expressly preserve, all rights, privileges, immunities, affirmative defenses, and other defenses, including those defenses set forth in Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, except that LCB and Mr. Hamdoun waive the defenses of insufficient process and insufficient service of process under Rules 12(b)(4)-(5).

4. This Stipulation and ~~Proposed~~ Order may be executed in counterparts, and electronic or facsimile signatures shall be deemed equivalent to original signatures.

Dated: April 15, 2019

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